UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1994/NGO/2
26 July 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Item 8 of the provisional agenda

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[17 July 1994]

Children and housing rights

1. The recognition of housing as a basic human right for all, especially children, has gained considerable significance in recent times. The concept of housing not just as a need but as a right includes not just the physical material aspects of a "space" but also the emotional, mental and spiritual dimensions. The security of a place to live is critical to the well-being of children.

2. As the Special Rapporteur on the right to adequate housing, Mr. Rajindar Sachar, stresses in his first working paper (E/CN.4/Sub.2/1992/15, para. 31), "the indivisibility of survival, health, environmental conditions and housing confirms the need to view housing rights within a holistic and interdependent framework, and one which transcends the outdated 'four walls and a roof' view of housing".

3. This is particularly true in the case of children, who are one of the most vulnerable groups in society. Adequate housing is indeed of particular importance for children, whose physical and intellectual development is closely linked to the environment where they grow up and to the living conditions they have to confront. The denial of the right to adequate housing leads to the deprivation of most of the child's basic rights, such as the rights to health, education, to a legal identity and citizenship, and sometimes even the right to life.

4. For instance, the absence of registration after birth, which is very common when children are born in informal settlements or slums, or on pavements, generally provokes the denial of their basic economic, social and cultural rights and facilitates their economic exploitation. Children who have not been registered and are thus deprived of legal identity are also more likely to be subjected to all kinds of violations, notably ill-treatment, arbitrary arrests and even extrajudiciary execution.

5. The rising phenomenon of street children is particularly illustrative of the direct link existing between housing rights and most of the children's fundamental rights. Constantly exposed to violence and abuse, these children, who become street children as a way to ensure their survival, have seen their basic human rights systematically and massively violated.

6. It is also important to note that one of the main reasons why cities across the world are seeing the growing phenomenon of street children is housing and planning policies, especially in the developing countries, that have forced people and communities from inner city areas to places far away from livelihood opportunities. This has forced families to send their children back to the city streets to supplement the family income. Thus, forced evictions bear a direct responsibility for the growing presence of children in the streets.

7. The Sub-Commission in its resolution 1991/12 explicitly stated that "the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing". The impact of forced evictions and uprooting is particularly severe on children. Most of the time they will have negative consequences on the health and education of children. Furthermore forced evictions often violently carried out by the police, provoke serious traumas for children who see their home and familiar environment being destroyed. Sometimes children are even hurt or are the victims of ill-treatment by the evicting forces.

8. Thus the civil and political rights of children are often seriously violated when their right to adequate housing is denied.

9. Although this has been recognized in the United Nations Convention on the Rights of the Child, which stresses the indivisible and interrelated nature of all rights of the child - civil, cultural, economic, political and social - it would need to be further emphasized in the future, in order to demonstrate the crucial importance of children's housing rights. This would also contribute to determining better States' and the international financial institutions' responsibilities in this regard.

10. Up to now, the housing rights of children have received only very little attention from the international community. Even though the right to adequate housing, as a new concept, has received increasing attention within the United Nations system, with the appointment of the Special Rapporteur on the promotion of the realization of the right to adequate housing, children's housing rights have been inadequately considered by the different United Nations human rights bodies, notably the Committee on the Rights of the Child and the Commission on Human Rights and the Sub-Commission.

11. To focus on this issue, and in particular on the significance of the right of children to adequate housing for the full realization of all the rights established by the Convention on the Rights of the Child, would be of crucial importance. Furthermore, legal interpretations, by the relevant treaty bodies, of Governments' and international cooperation's obligations regarding the promotion of children's housing rights is also urgently needed in order to strengthen the protection of children's basic rights.

12. It is thus essential that the Sub-Commission give increased attention to the question of children's housing rights, in order to give this issue the importance it deserves.

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